

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA

MELISSA WEBER, As Parent and Natural
Guardian of ASHLYN WEBER,
A Minor,

CASE NO:

Plaintiff,

vs.

WALT DISNEY PARKS AND RESORTS U.S. INC.,
A Florida Profit Corporation,

Defendant.

COMPLAINT

COMES NOW the Plaintiff MELISSA WEBER, As Parent and Natural Guardian of ASHLYN WEBER, A Minor, and through the under-signed attorneys and sues the Defendant, WALT DISNEY PARKS AND RESORTS U.S. INC. (hereinafter referred to as "DISNEY"), A Florida Profit Corporation, and says:

COMMON ALLEGATIONS

1. This is an action for damages which exceeds the sum of FIFTEEN THOUSAND (\$15,000.00) DOLLARS.
2. That at all times material to this cause MELISSA WEBER, As Parent and Natural Guardian of ASHLYN WEBER, A Minor, was and is a resident of Kansas City, Wyandotte County, Kansas.
3. That at all times material to this cause, ASHLYN WEBER, a minor, was and is a resident of Kansas City, Wyandotte County, Kansas.
4. That at all times material to this cause, MELISSA WEBER and ASHLYN WEBER

resided together in Kansas City, Wyandotte County, Kansas and enjoyed a family relationship.

3. That at all times material to this cause, the Defendant, DISNEY, was and is a Florida Profit Corporation, authorized and doing business in the State of Florida.

4. That on or about January 13, 2017, the Defendant, DISNEY, owned, operated, managed and was in control of property located at 200 Epcot Center Drive, Orlando, FL 32821 more particularly known as Epcot, maintained by Defendant, DISNEY.

5. That on the above-mentioned date, ASHLYN WEBER, was legally upon said premises as a business invitee and was expressly or impliedly invited upon said premises for the benefit of said Defendant.

6. On or about January 13, 2017, ASHLYN WEBER, was a business invitee lawfully on the Defendant's premises, located at 200 Epcot Center Drive, Orlando, FL 32821 more particularly known as Epcot, maintained by Defendant, DISNEY.

7. At said time and place, Defendant, DISNEY, negligently maintained a safe environment for its invited patrons.

8. That the negligent condition referenced in paragraph 7 above was known to Defendant, DISNEY, or had existed for a sufficient length of time so that Defendant, DISNEY, should have known of it.

9. That on or about January 13, 2017, ASHLYN WEBER, suffered severe injuries after being physically attacked and beaten by intoxicated minor, Essence Hutto, while a patron on the Defendant's property.

10. At all times material hereto, Defendant, DISNEY, was responsible for providing a safe environment for its invited patrons and guests while on Defendant's, DISNEY's, premises.

11. At all times material hereto, Defendant, DISNEY, maintained exclusive control of the subject premises, including the area where the negligent condition existed.

COUNT I
NEGLIGENCE OF DISNEY

12. Plaintiff adopts and re-alleges paragraphs 1-11 as is fully set forth herein.

13. Defendant, DISNEY, owed a legal duty to ASHLYN WEBER to exercise reasonable care for her safety while she was lawfully on the premises of the Defendant, DISNEY.

14. Defendant, DISNEY, was negligent and it breached its duty owed to the Plaintiff by:

- a. serving and continuing to serve alcoholic beverages to an under-aged child on the Defendant's premises;
- b. failing to provide and/or create adequate safety measures on the premises that would prevent the sale of alcoholic beverages to under-aged children;
- c. failing to supervise the premises and its patrons to create a reasonably safe environment for patrons;
- d. failing to establish and/or enforce adequate identification inspection procedures before selling alcoholic beverages to patrons;
- e. failing to recognize an intoxicated minor and take appropriate action;
- f. failing to adequately warn Plaintiff of the foreseeable risks of injury, when Defendant, DISNEY, had actual knowledge, or by the exercise of reasonable care should have known of the dangerous condition;
- g. failing to provide proper training of its restaurant employees to ensure no alcoholic beverages are served to under-aged patrons; and
- h. The overall failure to provide a safe environment for ASHLYN WEBER.

15. As a direct and proximate result of Defendant's, DISNEY, negligence, ASHLYN WEBER, sustained severe and permanent injuries and losses including bodily injury and resulting pain and suffering, impairment, disability, inconvenience, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The injury to the Plaintiff is permanent within a reasonable degree of medical probability and the Plaintiff will continue to suffer the losses in the future.

16. Plaintiff, ASHLYN WEBER, as a direct and proximate result of Defendant's, DISNEY'S, negligence, has suffered the above injuries, losses, and obligations in the past and will continue to suffer same in the future.

WHEREFORE, Plaintiff, ASHLYN WEBER demands judgment for damages against Defendant, DISNEY, for compensatory damages, costs, interest including prejudgment interest, and any such relief to which, Plaintiff, ASHLYN WEBER, is entitled.

**COUNT II – NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS AGAINST
DISNEY AS TO ASHLYN WEBER**

17. Plaintiff ASHLYN WEBER re-alleges paragraphs one (1) through sixteen (16) above as if fully set forth herein.

18. Defendant DISNEY had actual knowledge or reasonably should have known that Essence Hutto was under the age of twenty-one and should therefore not have been served alcoholic beverages and/or should have been identified as an intoxicated minor.

19. Defendant DISNEY had actual knowledge or reasonably should have known that Essence Hutto was intoxicated and exhibiting unacceptable and/or violent behavior.

20. At all times material hereto, DISNEY knew or reasonably should have known that unless DISNEY intervened to protect ASHYLYN WEBER, and to adequately supervise, prohibit, control, or regulate the conduct and acts of Essence Hutto, said conduct, acts and failures to act would subject ASHLYN WEBER to personal injuries and emotional distress.

21. At all material times hereto, DISNEY knew or reasonably should have known that the incident, conduct, acts and failures to act described herein above would and did proximately result in emotional distress to ASHYLYN WEBER including but not limited to loss of sleep, anxiety, fear, depression, and post-traumatic stress disorder.

22. DISNEY knew, or reasonably should have known, that unless DISNEY intervened to protect ASHLYN WEBER and to adequately supervise, prohibit, control, regulate, discipline, or otherwise penalize the conduct of Essence Hutto, such failure to so protect, supervise, and intervene would have the effect of encouraging, ratifying, condoning, exacerbating, increasing and worsening said conduct, acts, and failures to act.

23. As a direct and proximate result of DISNEY's negligence, described above, ASHLYN WEBER has suffered and will continue to suffer pain and suffering, extreme and severe mental anguish and emotional distress. She has incurred and will continue to incur medical expenses for treatment, psychotherapists and other mental health professionals and other incidental expenses. These losses are permanent or continuing in nature and the Plaintiff will suffer the losses in the future.

WHEREFORE, ASHLYN WEBER demands judgment against DISNEY in excess of fifteen thousand dollars (\$15,000.00) each exclusive of costs and interest, demands a trial by jury on all issues so triable, and any other relief that the Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Fla.R.Civ.P. 1.430(b), Plaintiff, ASHLYN WEBER, demands a trial by jury on all issues triable of right by a jury.

Dated: 03/07/2018

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